

FEBRUARY 26, 2025

PUBLIC HEARING

The Town Board of the Town of Newfane, Niagara County, New York, met at the Town Hall, 2737 Main Street, Newfane, New York, on February 26, 2025.

The following Board Members were present:

Supervisor: John Syracuse
Councilwoman: Susan Neidlinger
Councilman: Peter Robinson
Councilman: Robert Horanburg
Councilman Coleman: Absent

Others present: James Sansone, Town Attorney, Jon Miller, Highway Superintendent/Water Superintendent, David Schmidt, Building Inspector/Code Enforcement Officer, JoAnn Harig, Real Property Appraisal Technician, Jeffrey Newman, Chief Dog Control Officer, Joseph Flagler, Assistant Dog Control Officer, Mary Zeller, Confidential Secretary to the Supervisor, and 4 residents.

The Supervisor opened the Public Hearing at 6:45 p.m. by welcoming everyone and explaining the purpose of the public hearing was to consider the adoption of a proposed Local Law to enact a 6 month moratorium on the creation of Battery Energy Storage Systems, and to hear all interested persons for and against such law.

The Supervisor opened the floor for anyone wishing to speak to come forward to the podium. Brian Hellner, 2653 Fuller Road, Burt, NY, 14028, requested information regarding what the issues were with Battery Storage Systems. The Supervisor advised that there is serious concern amongst our First Responders with their difficulties when they catch fire and their environmental impacts, The Supervisor asked Mr. Hellner if he had read about them. Mr. Hellner said he read through them and they appear to be pretty straight forward. The Supervisor stated that Governor Hochul has some questions about them, she's seeing some issues as well which is creating us to have concerns and hear from our public as the Law we have in place does not fully address this issue and until they are addressed, creating a Local Law on Solar Facilities in the Town is something that we should consider.. Mr. Hellner asked if we had any current regulations in place? Attorney Sansone responded that we do not. He further stated that our State is doing further studies and investigations on this so we are waiting to receive this information. What we are trying to do is put a pause on this until the time comes when we have the proper information. Attorney Sansone said it is his belief that six or seven municipalities have already obtained the six month moratorium law. Mr. Hellner was wondering is we are having any issues at this time. Attorney Sansone replied we are not and that is why we are taking precautionary measures allowing us to move slowly. Mr. Hellner also inquired about what the Home Rule Law is. Attorney Sansone gave his explanation to Mr. Hellner.

The Supervisor asked the audience if there was anyone else that wished to speak. There was no one.

The Supervisor Closed the Public Hearing at 6:51 P.M.

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Others present: James Sansone, Town Attorney, Jon Miller, Highway Superintendent/Water Superintendent, David Schmidt, Building Inspector/Code Enforcement Officer, JoAnn Harig, Real Property Appraisal Technician, Jeffrey Newman, Chief Dog Control Officer, Joseph Flagler, Assistant Dog Control Officer, Mary Zeller, Confidential Secretary to the Supervisor, Nick Irr, Wastewater Treatment Plant Chief Officer and 8 residents.

PRAYER & PLEDGE

The Supervisor called the meeting to order at 7:00 p.m. A prayer was read by the Town Clerk and the Pledge to the flag was given.

MINUTES FILED WITH THE TOWN CLERK

Planning Board Meeting Minutes of November 26, 2024
Tourism Committee Meeting Minutes of February 4, 2025
Town Board Work Session Minutes of February 9, 2025

APPROVE PREVIOUS MINUTES

The Town Clerk requested the Town Board to consider the approval of the January 22, 2025 Town Board Meeting. The Supervisor asked for a MOTION to approve the Minutes of the January 22, 2025, Town Board Meeting. Moved by Councilwoman Neidlinger, second by Councilman Horanburg on the question. Hearing no questions, all were in favor, no one was opposed.
All present voted Aye. Motion Carried

COMMUNICATIONS AND PETITIONS

TOWN/OCOTT FIRE COMPANY/ ADDITIONS TO ROSTER DUNKELBERGER AND NAUS

The Town Clerk read a request from Kenna Liddell, Secretary for the Olcott Fire Company, stating that they have two new members effective February 6, 2025. Their names are Clark Dunkelburger and Shauna Naus. The Supervisor entertained a MOTION to add Clark Dunkelburger and Shauna Naus to the Roster effective February 6, 2025. Motion made by Councilwoman Neidlinger, second by Councilman Robinson on the question. Hearing no questions, all were in favor, no one was opposed.
All present voted Aye. Motion Carried

TOWN/OCOTT FIRE COMPANY/ REMOVAL FROM ROSTER THOMAS

The Town Clerk read a request from Kenna Liddell, Secretary for the Olcott Fire Company, stating that Austin Thomas has been removed from membership effective February 6, 2025. The supervisor entertained a MOTION to remove Austin Thomas from the Roster effective February 6, 2025. Motion made by Councilman Robinson, second by Councilwoman Neidlinger on the question. Hearing no questions, all were in favor, no one was opposed.
All present voted Aye. Motion Carried

TOWN/MARINA/HIRE SEASONAL PART-TIME EMPLOYEES FOR 2025 SEASON

The Town Clerk read a request from Nick Glosser, Facilities Manager, requesting the following individuals be hired as part-time seasonal employees for the 2025 season, effective April 1, 2025. Ethan Bronschidle at the rate of \$15.50 per hour, Donald David at the rate of \$15.50 per hour, Taylor Dorman at the rate of \$15.50 per hour, Ashley Glosser at the rate of \$16.00 per hour, Cindy Kagels at the rate of \$17.50 per hour and Skylar Renz at the rate of \$15.50 per hour. The Supervisor entertained a MOTION to hire those individuals named effective April 1, 2026. Motion made by Councilman Horanburg, second by Councilman Robinson on the question. Hearing no questions, all were in favor, no one was opposed.
All present voted Aye Motion Carried

TOWN/WATER/REIMBURSEMENT JOHN HUGHES

The Town Clerk read a request from Cailynn Feeley which was addressed to the Honorable Town Board advising the owner of 5784 Lake Street has had the water and sewer services cut and tapped at the property. A final bill was issued for the property. The Water Department is requesting the Town of Newfane refund John Hughes in the amount of \$52.20, due to a credit on the water account from overpayment. The supervisor entertained a MOTION to reimburse John Hughes for his overpayment of the water bill in the amount of \$52.20. Motion made by Councilman Horanburg,

second by Councilwoman Neidlinger on the question. Hearing no questions, all were in favor, no one was opposed.

All present voted Aye

Motion Carried

TOWN/CLERK/APPROVE MOBILE HOME PARK LICENSE COUNTRYSIDE ESTATES

The Town Clerk requested the Board to consider an Approval to issue the Mobile Home Park License for Countryside Estates Mobile Home Park for the calendar year 2025. The Clerk provided the Application, the Fire/Safety Inspection and Checklist from the Building Inspector, David Schmidt, the Niagara County Health Department Permit along with the check for payment. The supervisor entertained a MOTION to approve the issuance of the Mobile Home Park License for Countryside Estates Mobile Home Park for the calendar year 2025. Motion made by Councilman Horanburg, second by Councilman Robinson on the question. Hearing no questions, all were in favor, no one was opposed.

All present voted Aye

Motion Carried

REPORTS OF COMMITTEES AND DEPARTMENT HEADS

The following department heads were in attendance and gave a report on their department. Facilities Director, Nick Glosser reported that the Fishing Expo held in the Falls was well received. The attendance was not what it usually is due to the inclement weather, but the coverage was amazing, and a lot of people walked around and spent a lot of time gathering information. There were a lot of people that came in from Ohio, Pennsylvania and other states, it was great to hear from all of them. The Supervisor indicated that he was told over 350 gift bags were given out by the Tourism Volunteers at the booth, which was great. The Supervisor thanked Nick for gearing up on our fish cleaning station which should be delivered this coming Friday. We have our bid openings coming up for the installation, the mechanicals are out of the cedar block building, we are working on getting the table out tomorrow and we will try to get a power washer down there as well. We have a Resolution coming before the Board this evening regarding the personal watercraft seasonal rental. We went through a large amount of Tourism Guide Books at the Expo as well, So we are looking forward to another great season. Highway/Water Superintendent, Jon Miller, stated that due to the weather the past week or so we have been out plowing nonstop. They started filling some potholes, the salt is low, but they are working though it. With the water we have been digging out hydrants, shoveling sidewalks and wishing the snow would stop. The hole has been cut out for Polar Bear and the Board thanked Jon for doing such a great job. The Supervisor wanted Jon to hear an email that he received from a resident giving the Highway a thank you for the great job they have been doing with the plowing. The email came from a resident who provides local plowing for residents and stated the job Highway did certainly made his ability to get out around town so much easier. The Supervisor thanked Jon and his crew for the great job they always do. Wastewater Treatment Plant Operator, Nick Irr, stated that the plant is running well and compost is still available. Regarding the Construction, one of the general contractors hasn't been there much lately, the electrician has all of the equipment in the new building hooked up, they are working on the HVAC and the lighting. The Supervisor advised the Board that he and Nick will be meeting with Wendel Engineering to start looking at the Pump Stations around the Town to determine some infostructure improvements and capital plans that we need to address and try to stay ahead of them before they become a serious issue, as well as responding to some of the compost facility questionnaires from the DEC. Code Enforcement Officer/Building Inspector, David Schmidt, advised the Board that so far this month he has given out 7 Permits and completed 23 inspections, 8 of those inspections were Fire Safety Inspections for Businesses which are supposed to be completed annually. As of right now, we have 125 businesses recorded in the Town of Newfane, and I have only completed 51 to date. He provided the State with the yearly report for 2024 and also needed to provide an accounting report for 2023 as well as 2024. He has received 2 phone calls this month from the Sheriff's Department, one was for a fire and the other was a mutual aid call in Wilson. The Short Term Rentals are starting to be renewed and on March 10th, 11th and 12th, he will be out of the office attending classes in Rochester. This is a 24-hour in-service class that needs to be taken every year. The Supervisor advised that he and David will be going over the Pro Housing Program that we need to upgrade for our Building Permits. Without that plan in place, it will prohibit us from applying for some of the Grants that come available. Assessor's Office, JoAnn Harig, reported that March 1st is the last day for people to apply for exemption renewals. She stated that we had a great response to the postcard that we sent out the first week of February letting people know of the opportunity to learn about exemptions they may qualify for. It was a very educational experience for our residents. The sale transmittals have been submitted to the State. This is how the State determines our Equalization Rate. We are waiting for approval from the State

of a 43% rate. We are caught up on the valuation of building permits and the change of assessment letters that are generated by the building permits will be going out by the end of March. The inventory notice has been published in the newspaper and posted as it is required and will also be in our Town Newsletter. March 1st is also the Tentative Tax Roll date for the 2026 property taxes. The Tentative Tax Roll will be available beginning May 1st, people are welcome to call or come in to discuss any questions they may have regarding their assessments and Grievance Day is scheduled for May 29th from 4:00 p.m. to 8:00 p.m. The Supervisor wanted to take a moment to share a letter he received from one of our Town Residents with the Board. The Supervisor read the following: John, I wanted to take a moment to express my sincere appreciation and thanks for the professionalism of one of your staff members in the Assessor's office. This past Friday (7 Feb. '25) I had an appointment with Joanne for assistance in registering for the STAR program. When I arrived for our scheduled 3 O'clock meeting I found her ready to assist. Fortunately, she had the experience, patience and tenacity to navigate through the particulars of the STAR program registration system. If not for her expertise and compassion, I would have a devil of a time registering for the program. I remain most grateful for both her knowledge on how to navigate through the registration system and her professionalism. Again, my compliments and thanks to both you and your excellent staff member. Thanks

The Supervisor wanted to recognize JoAnn and thank her for her professionalism, like so many of our other staff members have been recognized in the past. We really appreciate hearing great things from our residents about the hard work we try and do for them. Chief Dog Control Officer/Constable Jeffrey Newman gave an overview of the happenings for 2024. There were 82 Dog Control Officer dog complaints. Included in the 82 were 10 missing dogs and 38 dogs at large. There were 42 Constable calls for Service and Jeff, Ken and Joe each performed 17 hours of training. Assistant Dog Control Officer/Constable Joseph Flager gave the Board an update on the arrival and dismissal situation at the elementary school. Joe spent several days observing at the school, and it seems that the lines of cars "boxing in" causing traffic flow issues is mostly at dismissal time. He feels the school is putting in 100% effort trying to deal with the situation. They have a school staff member outside going car to car and reporting back to a staff member inside the school to call the student forward to get in line so when the vehicle reaches the pickup point, they are moved out the door. The line of cars are blocking the entrance to the Justice Court, the Highway Garage doors and go all the way down past the building and stone pile. The school is doing all they can and if you have any suggestions, they would be open to them. The Supervisor indicated that while it may only take 15 minutes to get the students out and the cars moving, they are lining up 15 to 25 minutes prior to the release time. Unfortunately, this is still an issue with our highway vehicles getting in and out as well as employees and individuals needing to get in and out at the Justice Court. In addition, it is causing our residents who need to drive safely through the area and the buses from the bus garage to pass through. Joe indicated that he did go car to car to explain to the people the importance of leaving space as to not block the driveway areas so trucks and cars can pass through. The Supervisor thanked Joe for doing this and is hoping that moving forward we can come to some sort of resolution.

NEW BUSINESS

TOWN/MARINA/RESOLUTION NO. 6 – 2025/ESTABLISH DOCK RATE/PERSONAL WATERCRAFT

TOWN BOARD OF THE TOWN OF NEWFANE ESTABLISHES PERMANENT DOCK RATE FOR PERSONAL WATERCRAFT WITHIN THE TOWN OF NEWFANE MARINA

WHEREAS, Lake Ontario water levels continue to fluctuate which cause a number of our docks in the Newfane Town Marina to not be accessible for transient and/or seasonal boaters, and

WHEREAS, Personal Watercraft (PWC) such as Jet Ski (Kawasaki), Waverunner (Yamaha), Sea-Doo (Bombardier) and the like can create a positive economic impact for the Town Marina and residents, and WHEREAS, the Town of Newfane Facilities Manager (Marina), in consultation with the Town Supervisor's Office, has proposed a permanent seasonal dock fee of \$500.00 (Five Hundred Dollars), starting in the 2025 season, for individuals who wish to dock their personal watercraft at the Town of Newfane Marina, *now therefore be it RESOLVED*, the Town Board of the Town of Newfane, by their signatures below, establishes the seasonal dock fee of \$500.00 (Five Hundred Dollars) starting with the 2025 season. The supervisor entertained a MOTION to approve the Resolution. Motion made by Councilwoman Neidlinger, second by Councilman Robinson on the question. A Roll Call Vote was taken by the Town Clerk:

Councilwoman Neidlinger:	Aye
Councilman Robinson:	Aye
Councilman Horanburg:	Aye
Councilman Coleman:	Absent

FEBRUARY 26, 2025

REGULAR BOARD MEETING cont.

Supervisor Syracuse: Aye
4 – Aye 1 – Absent

Motion Carried

PAY BILLS

The Supervisor entertained a MOTION to approve the payment of claims totaling \$1,642,481.12, bills paid in March, 2025, Vouchers #37571-37857, as audited by the Supervisor and Department Heads and as per Abstract Sheets dated 02/26/2025 which will be filed with the official record.

General Fund \$ 103,649.85

Highway Fund \$ 198,117.25

Water Fund \$ 130,488.57

Sewer Fund \$ 131,906.09

Lighting District \$ 7,679.09

Refuse District \$ 139,617.64

Fire Prevention District \$ 783,100.00

Trust & Agency \$ 6,262.59

Capital Projects \$ 141,660.04

TOTAL APPROVED \$1,642,481.12

Motion moved by Councilman Horanburg, second by Councilman Robinson. All were in favor, no one was opposed.

Motion Carried

PUBLIC COMMENTS

Brian Hellner, 2653 Fuller Road, Burt, New York, asked the Supervisor approximately how many slips are available at the Marina for jet skis. The Supervisor explained that there are slips close to the shoreline, due to water levels, will not accommodate full size boats, so there are factors to consider and it's difficult to provide an exact number. Mr. Hellner asked if something like a jet boat would be considered for those slips. The Supervisor referred to the language in the Resolution and stated that it is geared to Personal Watercraft (PWC) such as a Jet Ski, a Waverunner, a Sea-Doo and the like, so comparatively speaking like a Snowmobile on water. Mr. Hellner also asked if there was a preference given to residents over non-residents to get a permanent slip in the Marina. It was explained that there is a waiting list that people can put their name and information on. The next person on the list who has a boat the size that would fit in the available slip will be sent an offer. If they were not interested the offer would go to the next person that meets the criteria. Not all docks can accommodate the same size boat.

ANNOUNCEMENTS/COMMENTS FROM THE BOARD

Supervisor Syracuse announced the Olcott Polar Bear swim is Sunday, March 2, 2025. The next Work Session is Thursday, March 13, 2025, at 7:00 PM in the Town Hall, Board Room. The next Town Board Meeting will be Wednesday, March 26, 2025, at 7:00 p.m.

Councilwoman Neidlinger announced that she received a message from Philip, the Owner of the new business in Town called Grand New Flag. Philip will be presenting, on Saturday, March 1, 2025 at 1:00 p.m., a check in the amount of \$3,000.00 to Dog Tags New York which is an organization that has been connecting military veterans with shelter dogs, creating a lasting bond that offers emotional support and hope for men and women who, in many cases, are suffering from PTSD or other anxieties stemming from their military service. Every year Phil donates 5% of his net proceeds to this organization. His recent donation brings his five-year total to \$14,200.00. All are welcome to attend.

FEBRUARY 26, 2025

REGULAR BOARD MEETING cont.

ADJOURN

The Supervisor entertained a MOTION to adjourn. Motion made by Councilwoman Neidlinger, second by Councilman Horanburg. All were in favor, no one was opposed.

Motion carried

Meeting adjourned at 7:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Donna M. Lakes".

Donna M. Lakes
Town Clerk